

PART 412—FEEDLOTS POINT SOURCE CATEGORY

Subpart A—All Subcategories Except Ducks

Sec.

- 412.10 Applicability; description of all subcategories except ducks.
- 412.11 Specialized definitions.
- 412.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 412.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 412.14 Pretreatment standards for existing sources.
- 412.15 Standards of performance for new sources.
- 412.16 Pretreatment standards for new sources.
- 412.17 [Reserved]

Subpart B—Ducks Subcategory

- 412.20 Applicability; description of the duck subcategory.
- 412.21 Specialized definitions.
- 412.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 412.23 [Reserved]
- 412.24 Pretreatment standards for existing sources.
- 412.25 Standards of performance for new sources.
- 412.26 Pretreatment standards for new sources.

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SOURCE: 39 FR 5706, Feb. 14, 1974, unless otherwise noted.

Subpart A—All Subcategories Except Ducks

§ 412.10 Applicability; description of all subcategories except ducks.

The provisions of this subpart are applicable to discharges of pollutants resulting from feedlots in the following subcategories: Beef cattle—open lots; beef cattle—housed lots; dairy cattle—stall barn (with milk room); dairy—free stall barn (with milking center); dairy—cowyards (with milking center); swine—open dirt or pasture lots; swine—housed, slotted floor; swine—solid concrete floor, open or housed lot; sheep—open lots; sheep—housed lots; horses—stables (race tracks); chickens—broilers, housed; chickens—layers (egg production), housed; chickens—layer breeding or replacement stock; housed; turkeys—open lots; tur-

keys—housed; and for those feedlot operations within these subcategories as large or larger than the capacities given below:

1,000 slaughter steers and heifers; 700 mature dairy cattle (whether milkers or dry cows); 2,500 swine weighing over 55 pounds; 10,000 sheep; 55,000 turkeys; 100,000 laying hens or broilers when facility has unlimited continuous flow watering systems; 30,000 laying hens or broilers when facility has liquid manure handling system; 500 horses; and 1,000 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep.

§ 412.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in part 401 of this chapter shall apply to this subpart.

(b) The term *feedlot* shall mean a concentrated, confined animal or poultry growing operation for meat, milk or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

(c) The term *process waste water* shall mean any process generated waste water and any precipitation (rain or snow) which comes into contact with any manure, litter or bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or poultry or direct products (e.g. milk, eggs).

(d) The term *process generated waste water* shall mean water directly or indirectly used in the operation of a feedlot for any or all of the following: Spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits or other feedlot facilities; direct contact swimming, washing or spray cooling of animals; and dust control.

(e) The terms *10 year, 24 hour rainfall event* and *25 year, 24 hour rainfall event* shall mean a rainfall event with a probable recurrence interval of once in ten years or twenty-five years, respectively, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States", May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

(f) The term *open lot* shall mean pens or similar confinement areas with dirt, or concrete (or paved or hard) surfaces wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks, small shed-type shade areas. For the purposes hereof the

§ 412.12

term “open lot” is synonymous with the terms “cowyard” (dairy cattle), “pasture lot” (swine), and “dirt lot” (swine, sheep or turkeys), “dry lot” (swine, cattle, sheep, or turkeys) which are terms widely used in the industry.

(g) The term *housed lot* shall mean totally roofed buildings which may be open or completely enclosed on the sides wherein animals or poultry are housed over solid concrete or dirt floors, slotted (partially open) floors over pits or manure collection areas in pens, stalls or cages, with or without bedding materials and mechanical ventilation. For the purposes hereof, the term “housed lot” is synonymous with the terms “slotted floor” buildings (swine, beef), “barn” (dairy cattle) or “stable” (horses), “houses” (turkeys, chickens), which are terms widely used in the industry.

(h) The term *stall barn* shall mean specialized facilities wherein producing cows and replacement cows are milked and fed in a fixed location.

(i) The term *free stall barn* shall mean specialized facilities wherein producing cows are permitted free movement between resting and feeding areas.

(j) The term *milkroom* shall mean milk storage and cooling rooms normally used for stall barn dairies.

(k) The term *milking center* shall mean a separate milking area with storage and cooling facilities adjacent to a free stall barn or cowyard dairy operation.

§ 412.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, and subject to the provisions of paragraph (b) of this section, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste waters plus the runoff from a 10-year, 24-hour rainfall event for the location of the point source.

[39 FR 5706, Feb. 14, 1974, as amended at 60 FR 33951, June 29, 1995]

§ 412.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste waters plus the runoff from a 25-year, 24-hour rainfall event for the location of the point source.

§ 412.14 Pretreatment standards for existing sources.

Any existing source subject to this subpart that introduces process wastewater pollutants into a publicly owned treatment works must comply with 40 CFR part 403. In addition, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
Fecal coliform	No limitation.
BOD ₅	Do.

[40 FR 6440, Feb. 11, 1975, as amended at 60 FR 33951, June 29, 1995]

§ 412.15 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste waters plus the runoff from a 25-year, 24-hour rainfall event for the location of the point source.

§ 412.24

§ 412.16 Pretreatment standards for new sources.

Any new source subject to this subpart that introduces process wastewater pollutants into a publicly owned treatment works must comply with 40 CFR part 403.

[60 FR 33951, June 29, 1995]

§ 412.17 [Reserved]

Subpart B—Ducks Subcategory

§ 412.20 Applicability; description of the ducks subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from feedlots for the following subcategories: Ducks—dry lot; ducks—wet lot; and for those feedlot operations within these subcategories as large or larger than the capacities given below:

5,000 ducks

§ 412.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term *feedlot* shall mean a concentrated, confined animal or poultry growing operation for meat, milk or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage production or growth is not sustained in the area of confinement.

(c) The term *process waste water* shall mean any process generated waste water and any precipitation (rain or snow) which comes into contact with any manure, litter or bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animal or poultry or direct products (e.g. milk, eggs).

(d) The term *process generated waste water* shall mean water directly or indirectly used in the operation of a feedlot for any or all of the following: Spillage or overflow from animal or poultry watering systems; washing, cleaning or flushing pens, barns, manure pits or other feedlot facilities; direct contact swimming, washing or spray cooling of animals; and dust control.

(e) The terms *10-year, 24-hour rainfall event* and *25-year, 24-hour rainfall event* shall mean a rainfall event with a probable recurrence interval of once in ten years or twenty-five years, respectively, as defined by the National Weather Service in Technical Paper Number 40, “Rainfall Frequency Atlas of the United States”, May 1961,

and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

(f) The term *dry lot* shall mean a confinement facility for growing ducks in confinement with a dry litter floor cover and no access to swimming areas.

(g) The term *wet lot* shall mean a confinement facility for raising ducks which is open to the environment with a small portion of shelter area, and with open water runs and swimming areas to which ducks have free access.

§ 412.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Except as provided in §§ 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kg/1,000 ducks)		
BOD ₅	1.66	0.91
Fecal coliform	(¹)	(¹)
English units (lb/1,000 ducks)		
BOD ₅	3.66	2.00
Fecal coliform	(²)	(²)

¹ Not to exceed mpn of 400/100 ml at any time.

² See above (not typically expressed in English units).

[39 FR 5706, Feb. 14, 1974, as amended at 60 FR 33951, June 29, 1995]

§ 412.23 [Reserved]

§ 412.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the ducks subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity

§ 412.25

or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard
Fecal coliform	No limitation.
BOD ₅	Do.

[40 FR 6440, Feb. 11, 1975]

§ 412.25 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste 24-hour rainfall event for the location of the point source.

§ 412.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the ducks subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128, of this chapter, except that, for the purpose of this section, § 128.133 of this title shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 412.15; *Provided* That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standard providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.